

REMARKS

Reconsideration of this application, as amended, is requested.

Claims 1-21 remain in the application. Claim 1 has been amended to define the invention more clearly.

Claims 9-21 have been allowed. Those claims remain in the application and have not been amended further.

The applicant is pleased to note that claims 4-8 merely were objected to as being dependent upon a rejected base claim. The Examiner indicated that claims 4-8 would be allowed if amended or rewritten into independent form with all of the limitations of the base claim and any intervening claims.

Claims 4-8 have not yet been rewritten as independent claims.

Claims 1-3 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,915,919 to Casterlin.

Casterlin relates to a container for retaining a liquid sample, such as urine, to be tested. The Casterlin container includes a closure cap formed with a slot therein. A flexible resilient member is mounted to the closure cap near the slot. A card can be urged through the slot and into the urine or other liquid material in the container. The card then is withdrawn for testing and during the withdrawal process, excess liquid on the card is wiped from the card by the flexible resilient material near the slot. The elastomeric material near the slot will return resiliently to its undeflected condition after the card has been removed. As a result, the elastomeric material in certain embodiments of Casterlin will re-seal the slot.

The rejection based on Casterlin requires the elastomeric material in the cap of Casterlin to be considered both the wiper recited in claim 1 and the portion of the enclosure that is selectively movable for enclosing the wiper after the card has been slid through the slot.

Claim 1 has been amended slightly to define the invention more clearly. Amended claim 1 now defines an apparatus for collecting samples from a card. The apparatus of claim 1 is defined as having a housing formed with a slot dimensioned for slidably receiving the card. At least one wiper is disposed in the housing substantially adjacent the slot for biased engagement against the card slid through the slot. Amended claim 1 further defines an enclosure formed separately from the wiper. At least a portion of the enclosure defined by amended claim 1 is "selectively movable for enclosing the wiper after the card has been slid through the slot and for subsequently opening to permit another card to be slid through the slot."

Casterlin has no structure corresponding to "an enclosure formed separately from the wiper" with "at least a portion of the enclosure being selectively movable for enclosing the wiper after the card has been slid through the slot and for subsequently opening to permit another card to be slid through the slot." Furthermore, there is nothing in Casterlin or any of the other art that would suggest modifying Casterlin to include "an enclosure formed separately from the wiper" and "at least a portion of the enclosure being selectively movable for enclosing the wiper after the card has been slid through the slot and for subsequently opening to permit another card to be slid through the slot." Accordingly, it is submitted that the invention defined by amended claim 1 is patentable

over Casterlin. Accordingly, amended claim 1 and its dependent claims 2-8 are neither taught nor suggested by Casterlin.

In view of the preceding amendments and remarks, it is submitted that all of the claims in the application are directed to patentable subject matter and allowance is solicited. The Examiner is urged to contact applicant's attorney at the number below to expedite the prosecution of this application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gerald E. Hespos", is written over the typed name.

Gerald E. Hespos, Esq.

Atty. Reg. No. 30,066

Customer No. 001218

CASELLA & HESPOS LLP

274 Madison Avenue - Suite 1703

New York, NY 10016

Tel. (212) 725-2450

Fax (212) 725-2452

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